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AUTHOR Brooks, Wanda
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ABSTRACT

Can literature with obscene language be available in public schools? Can a teacher discuss the use of such language with students? This paper presents two points of view--one advocating the censorship of obscene language in literature and teaching in the public schools, and the other opposing it. The paper describes outcomes of court litigation regarding the rights of school boards and administration to remove books from schools following parental protest, teachers' verbalization of profanity, success of "right to read" groups in fighting removal of books from school libraries, teachers' right to discuss novels containing "bad" words, and teachers' assigning literature with offensive words. The paper argues that positive educational exposure of students to meritorious literature should not be limited by the dictates of special interest groups who seek to impose their beliefs on young people through the public schools. Dilution of the curriculum prevents students from grappling with moral and ideological issues intellectually before they contend with the same issues in real life. (LMI)

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OBSCENE LANGUAGE IN LITERATURE IN THE PUBLIC SCHOOLS AS A LEGAL ISSUE

by

Wanda Brooks

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ISSUE: Can literature with obscene language be available in public schools? Can a teacher discuss the use of such language with students?

POINTS OF VIEW

(1) PRO: Censorship of obscene language in literature and in teaching in public schools

Groups of parents have frequently objected to the assignment of books which contain "inappropriate" or "obscene" language and any in-class discussion of this language. For this "right to protect" group, the issue is of traditional moral principles; they do not wish for their children to read or to discuss material with "bad" words. As I Lay Dying, The Grapes of Wrath, Of Mice and Men and Catcher in the Rye are some books which have caused parental concern.[1] Such books are challenged not because their themes espouse immoral principles, but because they contain "dirty" words. Parents have often insisted that books with such language be removed from the curriculum and the school libraries.

In some cases, when school boards or administrators remove books from schools after parental protest, students and other parents file suit citing the First and Fourteenth Amendments. Administrators/boards are accused of depriving students of their rights to academic freedom, due process and equal protection of the law. In two cases supporting the removal of books, the Epperson v State of Arkansas, 1968; was cited. (In the Epperson case, the U.S. Supreme Court ruled that Arkansas had violated the First Amendment by requiring the teaching of the principles of

one religious sect and banning texts supporting evolution; this was ruled unconstitutional.)[2] In Presidents Council, District 25 v Community School Board No. 25, NY City, 1972; Epperson was cited by the plaintiff. Judge Mulligan of the U.S. Court of the Second Circuit ruled that suggesting the "unshelving of books presents a constitutional issue...is a proposition we cannot accept", and that a board is empowered by law to set the curriculum.[3] Thus, the Court supported the board's removal of Thomas's Down These Mean Streets from junior high libraries because of parental objection to its profane language and sexual scenes. In Zykan v Warsaw Community School Corporation, Indiana, 1980; Epperson was again cited. The Seventh Circuit Court supported the district's removal of books and its firing of teachers, stating that a board can change curriculum as long as no one particular point of view is forced upon students.[4]

Some school districts compromise in order to appease parents without litigation. When parents in Stoughton, Wisconsin insisted that Mazer's Snow Bound be removed from a middle school reading program because of "bad" words, the board directed that parents be notified of its use and offered an alternate book.[5] Almost 200 parents in Alamo Heights, Texas, requested their school board "to add a selection criterion that instructional resource material shall not contain vulgar or profane language."[6] As school board members are elected officials, they respected the wishes of voting parents. These districts enabled some parents to influence the structuring of all district children's education.

Probably all schools have rules against the use of obscene

language. May a teacher, therefore, say "bad" words when discussing their use either by students or by characters in literature? In Sandwich, Massachusetts in 1989, Joyce Hosford was teaching three seventh grade boys with special needs. One of these boys frequently said "fuck" audibly under his breath. When the boy gave the word as an example to a question for a word with multiple meanings, Hosford stopped ignoring his use of the word and had the students give its various meanings. She told the boys not to use the word any more at school or at home. Then the boys wanted to discuss multiple meanings of four other "dirty" words. After discussion, Hosford stated that the words would no longer be discussed nor used in class. The next day, she was summoned to a meeting with the principal, the special education director, the superintendent, the president of a local education association; a parent had complained. Hosford was suspended for two days and not recommended for reappointment for the next school year. In 1990, she sued the board in state court under the First Amendment; the trial judge dismissed her suit without trial in favor of the board.[7] Teachers should not verbalize profanity.

(2) CON: Censorship of profane language in literature and in teaching

Many teachers, parents and students feel that publications should be studied because of literary merit with incidental obscenity as part of the authenticity of the situation or the characters. In the study of literature containing some vulgar words, teachers must often discuss the offensive words and the

reasons for their being included. When administrators/boards have arbitrarily banned or removed books from schools, "right to read" groups have protested that their Constitutional rights under the First and Fourteenth Amendments are being violated. Also, "many principals...yield immediately to complaints rather than have to deal with the controversy...with review committees and public hearings."[8] As a result of this stance, the "right to read" groups believe that education is weakened and students are deprived of their rights.

Two cases ruling against the removal of books from schools are Minarcini v Strongsville (Ohio) City School District, 1976; and Right to Read Defense Committee v School Committee of the City of Chelsea, Mass., 1978. In Minarcini, the board rejected the faculty's choice of Catch-22, God Bless You, Mr. Rosewater and Cat's Cradle for high school curriculum because they were "completely sick", "garbage" and contained "dirty words".[9] The latter two were also removed from the school library. The U.S. Sixth Circuit Court of Appeals agreed that Ohio law gave the board authority to approve and purchase texts, but not to remove books from the library. Further, their removal from the library did not violate teachers' academic freedom as, "evidence did not clearly show that the board ever forbade teachers to talk about the novels in school."[10] The teachers' right to discuss novels containing "bad" words was thus indirectly endorsed by the Court. In Right to Read, the poetry anthology, Male and Female Under 18, was banned by the Chelsea School Committee because it contained a "vulgar" poem, "The City to a Young Girl".[11] District Court Judge

Tauro ruled in favor of the Right to Read Defense Committee of librarian Coleman, several students and their parents. While the committee had the authority of book selection, removal of books was limited by the First Amendment. Not wanting to set the dangerous precedent of allowing a committee "hostile" to a book's language or theme to ban it, Judge Tauro declared, "What is at stake here is the right to read and be exposed to controversial thoughts and language--a valuable right subject to First Amendment protection."[12] In both Minarcini and Right to Read, victories for those opposing censorship of meritorious literature which contained "bad" words was partial. While the Courts ruled that boards could not remove books from libraries, they still had the authority to refuse to approve and purchase texts despite the input of the "right to read" groups and faculty requests.

May a teacher assign literature with offensive words and use these words in discussion with justifiably sound educational purpose? In Keefe v Geanakos, 1969; a teacher was suspended and threatened with discharge because he used a copy of the Atlantic Monthly with a vulgar term for an incestuous son for a senior class reading assignment. When a school committee asked Keefe to defend his use of the vulgar word and to agree not to use it again, he defended himself and said he could not agree to never using it again. The U.S. First Circuit Court ruled in Keefe's favor; the literature used was suitable, peers of the teacher would agree that the material had educational merit, the "shock" of the offensive word was not too great for seniors in high school. The teacher was protected in the use of the "dirty" word

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because it was for a "demonstrated educational purpose."[13]

Teacher Joyce Hosford's defense of her freedom to teach with reference to bad language did not end in state court. Her case, Hosford v School Committee of Sandwich, Mass. 1996; was appealed to the Supreme Judicial Court of Massachusetts where Judge Fried ruled in her favor. He first affirmed the general power of boards by citing Hazelwood School District v Kuhlmeier, 1988; in the regulation of school publications and Bethel School District No. 403 v Fraser, 1986; in the suspension of a student for a sexually suggestive speech. However, Mt. Healthy City Sch. Dist. Brd. of Ed. v Doyle, 1977; established that a board could not dismiss a teacher on the basis of an unconstitutional factor with no other appropriate factors. Her academic freedom to teach was violated in censuring her for responding to the use of obscene language. Hosford was stern in allowing no further use of "bad" words and in using "flexible and creative approaches to discipline" as published in the district's disciplinary guidelines.[14]

The use of vulgar words, while offensive and not to be encouraged, is an integral part of any language. Eliminating all literature containing any "bad" words would deplete our academic resources of proven educationally excellent reading materials. In examining literature with "bad" words and in dealing with students who frequently say "bad" words, teachers should be given the academic freedom to maturely address their use.

MY PERSONAL POSITION

In my professional opinion, I feel that positive educational exposure of our students to meritorious literature should not be limited by the dictates of special interest groups who seek to impose their religious, political, racial or sexual beliefs upon young people through the public schools. Outside of our classes and in their future lives, our students will have to confront the injustices and inequities of the real world, a sometimes very menacing environment. If we choose to "water down" our literary curriculum to please everyone, we prevent students from grappling with moral and ideological issues intellectually before they must contend with these same issues in "real" life. Many books are established classics in literature and of great educational value despite the presence of "obscene" language as part of their authenticity of situation and characters.

"The most effective antidote to the poison of mindless orthodoxy is ready access to a broad sweep of ideas and philosophies. There is no danger in such exposure. The danger is in mind control."[15]

Judge Tauro - Right to Read, 1978

ENDNOTES

1 Henry Reichman, Censorship and Selection: Issues and Answers for Schools (Chicago and London: American Library Association; Arlington: American Associations of School Administrators, 1993), 39.

2 Kern Alexander and M. David Alexander, American Public School Law, 3rd ed. (St. Paul: West Publishing Co., 1992), 257-259.

3 Reichman, 148.

4 Donald J. Rogers, Banned! Book Censorship in the Schools (New York: Julina Messner, 1988), 60-61.

5 Reichman, 38.

6 Reichman, 38.

7 Benjamin Sendor, "Academic Freedom Isn't Just For Higher Ed," The American School Board, June 1996, 12.

8 Nat Hentoff, Free Speech For Me--But Not For Thee. (New York: Harper Collins Publishers, 1993), 375.

9 Rogers, 34.

10 Rogers, 33-35.

11 Reichman, 149-150.

12 Rogers, 43.

13 Alexander, 238-240.

14 Sendor, 13.

15 Rogers, 43.

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